

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BARBARA TAYLOR,)
vs.)
UNITED HYUNDAI DEALERSHIP,)
Plaintiff,)
Defendant.)

Case No. 2:08-cv-00909-KJD-GWF

FINDINGS AND RECOMMENDATIONS

On July 14, 2008, Plaintiff submitted her Motion to Proceed *In Forma Pauperis* (#1). However, the Court was unable to determine whether Plaintiff could proceed *in forma pauperis* as a result of Plaintiff not submitting a completed application to proceed *in forma pauperis* and a financial affidavit. On July 23, 2007, the Court issued Order (#2), which denied Plaintiff's Motion to Proceed *In Forma Pauperis* (#1) without prejudice, and directed the Clerk of the Court to send Plaintiff an Application to Proceed *In Forma Pauperis* and Form CJA 23. Furthermore, the Court directed Plaintiff to submit the completed application and financial affidavit by **August 25, 2008**. Plaintiff was advised that failure to comply with Order (#2) would result in the recommendation that her action be dismissed. To date, Plaintiff has not complied with Court Order (#2) within the allotted time period, and the time allowed has expired. Accordingly,

IT IS HEREBY RECOMMENDED that this action should be **dismissed** without prejudice based on Plaintiff's failure to either pay the appropriate filing fee of \$350.00, or submit a completed application and affidavit in support of a request to proceed *in forma pauperis*.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in

1 writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the
2 courts of appeal may determine that an appeal has been waived due to the failure to file objections
3 within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1)
4 failure to file objections within the specified time and (2) failure to properly address and brief the
5 objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues
6 from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*
7 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

8 DATED this 9th day of September, 2008.

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11 **GEORGE FOLEY, JR.**
12 **UNITED STATES MAGISTRATE JUDGE**
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